

# PASTORAL LETTER

WRITTEN BY

The Right Reverend Father in GOD

GILBERT,

Lord Bishop of SARUM,

TO THE

CLERGY of his DIOCESS,

CONCERNING

The Oaths of Allegiance and Supremacy

TO

K. WILLIAM and Q. MARY.

**S**INCE I cannot yet come to the Duties of my Function among you, I think my self obliged to supply my absence by watching over you as effectually as I can at this distance. And since some have raised so many Doubts and Difficulties concerning the Allegiance, which is due to the King and Queen, that the minds of the people may be distracted by them; especially if they should observe, that those of the Clergy who have more occasion to enquire into such matters than other people, and whose Examples ought to have great authority, should be so far possessed with these Scruples, that they should rather choose to desert their Obedience, than swear the Oaths required by Law; I have thought it incumbent on me, to lay this before you in the best Light in which I could put it, in order to the satisfying of all those Objections which may arise upon this Occasion.

1. The importance of this Matter is too visible to need any reflections upon it, to make it more sensible: it does not only concern you in your own particular, tho' that this is a consideration in which the present Interest that is of its side, may tempt a Good man to be a little jealous of it: Yet, on the other hand, men that are in a Station, in which they may do service to God, and the Church, and from which they cannot withdraw without doing a considerable prejudice to the publick Peace; and without shaking, as far as in them lies, the present Settlement of the Nation; ought to consider well the Grounds upon which they go, before they venture on the setting themselves against a Work, which in the whole progress of it has had many signal Characters of a favourable Providence conducting it; and that gives us the fairest beginnings of the most desirable things that we can hope or wish for on Earth.

It gives us all the security, that, humanely speaking, we can look for, both for the Protestant Religion, and for Civil Liberty. It is our present fence from the three things in the World, which, if they were asunder, ought to give us the greatest terror; but being now all joined together, if they do not both unite and awaken us against so dreadful an appearance, it looks like a Curse from God upon us, that is the certain forerunner of our Ruine; and these are, *Papish Tyranny, An Irish Conquest and Massacre, and French Barbarity and Cruelty*. If our Saviour has denounced a terrible Woe against those, who lay a stumbling Block before one of his Little Ones, under how much greater damnation do they fall, who lay such a stumbling Block, as the refusing the



Oaths will be, before a whole Nation, and a Nation in whose Strength and Union, the security both of Religion and Liberty consists? A man that adventures on so dangerous a thing, had need be very sure that he is in all this matter in the right; otherwise he runs a risque of fighting against God, if he should happen to be in the wrong.

2. But all this may look like a patheticall aggravating of the Matter, unless it should appear to be well supported. I go therefore in the next place to set before you those Reasons that seem convincing to me, even though there were no more to be said for the present Settlement, but that we have a Throne filled, and a King and Queen in Possession. The bringing the state of the Question so low, may seem at first view not to be of so much advantage to Their Majesties Title; but since I intend to carry the matter farther before I leave it, I hope it may be no incongruous Method to begin at that which will take in the greatest numbers, since there is no Dispute in this, that they are actually in Possession of the Throne, that they protect us, and that we by living under their Protection, and enjoying the benefit of it, are therefore bound to make some Returns to them for it.

3. A Man may Lawfully promise to do every thing which he may Lawfully do; so that if it is Lawful to obey the King, it is also Lawful to promise to do it. And therefore since it does not appear that any Persons do doubt of the Lawfulness of obeying, it cannot with any colour of Reason be said to be Unlawful to promise it; and if it is Lawful to promise it, it is also Lawful to swear it; for an Oath being only the Sacred Confirmation of a Promise, we may Lawfully swear every thing that we may Lawfully promise. And as it appears that there lies no just Objection to the swearing Obedience, so there arises none from the Word *Allegiance*, for that being in its Original Signification, nothing but the Service that a Vassal owed to the Chief Lord of the Fee. If the King is owned in Fact to be our King, then he is the Lord of the Fee, and by consequence *Allegiance* is due to him; *Allegiance* being also now in our present acceptation, An Obedience according to Law, that is to say, not a Blind nor Absolute Obedience, but such an Obedience, as is defined and limited by the Law, then the Scruple that arises out of the Word *Allegiance* vanishes.

4. This is either true, or all these who live upon a Continent, and that are subject to the Conquests and Invasions of their Neighbours must be miserable: For tho' our Happy Situation has exempted us for a whole Age from falling under any such Difficulties; yet this is a Case that falls often out in all different States, which are on the same Continent; for if Subjects owe their natural Prince such an Obstinate Allegiance, that neither Desertion nor Conquest can dissolve it, then in what a miserable Condition must they be, when they fall under the Power of their Enemy, that never thinks himself secure of them, but treats them still as Enemies; till they swear Allegiance to him. Now all the true Maxims of Government being such, that they must tend to the Preservation and not to the Ruin of Mankind, it is certain that all those are false which tend to the inevitable Destruction of Cities, and Societies; and therefore this of an indissoluble Allegiance, must be reckoned among these, since the fatal Consequences that must attend upon it are evident, and this is the Opinion in which all who have considered this matter, either as Lawyers or Casuists do agree.

5. If we consider the whole History of the old Testament, in which there were much plainer Rules, with relation to their Policy given by God himself, than can be pretended to be given to Christians; we clearly see that after any Revolution that happened, of which there are many Instances in the History of the Ten Tribes, the People acquiesced always in the Possession; and the Prophets that were among them, never charged them with this, nor required them



them to return back to those Princes, or Families which they had shaken off. It is true this is but a Negative Authority; yet when we consider how particular the Prophets are in the enumeration of their Sins, their silence on this Head is at least a great Presumption, that they had not contracted much guilt on this account. The same may be said of the Obedience of those in *Judah* to *Athaliah*, during her unjust and bloody Usurpation; which shews, that tho the Title of a Prince were manifestly Unjust, yet it may be Lawful to take Protection under him, and that, in most States cannot be had without both giving Obedience, and the entering into such engagements for it, as are required by the Rules of that Constitution; such was the making Covenants with their Kings among the Jews; such was the Military Oath among the *Romans*, and such are the Oaths of Allegiance where the Feudal Law prevails.

6. The Jews are obliged by a plain and express Law, *Deut. 17. vers. 15.* *To set a King over them from among their Brethren, and not to set a Stranger over them, who was not their Brother;* Here was a positive exclusion of all Aliens; so that any Stranger that Reigned over them, could only be their *King in Fact*, but not *in Right*: Yet in our Saviour's time the *Romans*, from granting the Jews their Protection against the Kings of *Syria*, had so far extended their Authority, that not only the Race of the *Maccabees*, who had long Reigned over them, was destroyed, but even the shew of Freedom which was left, while *Herod*, that was Circumcised and Allied to the Family of the *Maccabees*, was their King, was taken away, & *Judea* was reduc'd into the form of a Province: & that but lately, when the Question was put to our Saviour, *Whether they should pay Tribute to Cesar or not* Upon this our Saviour plainly determined for their obeying the *Romans*; And according to the Opinion of almost all Interpreters, he drew his Argument for it from this, That their Current Coin carrying *Cesar's* Superscription upon it, this was an acknowledging of his Authority; and that therefore since they had once submitted to *Cesar's*, they ought still to *render to him all that was his*, this is to say, all that he was then possessed of *in Fact*. This seems to be a very express decision in this Matter; and that even when the Possession fell within the Memory of Man, so that it was not fortified by Prescription or Immortal Practice, and when the Righteous Heir was known, and while the Pharisees kept up the Debate, by refusing to owne a Foreign and Idolatrous Authority. Yet our Saviour, whose whole Doctrine tended chiefly to secure the Peace of the World, decided plainly in favour of Possession; for it were indeed a great Misery, and would throw Men into vast Distractions, if they were obliged to examine all Titles, and in every Revolution to perish, for the sake of those by whose means they had like to have perished before.

7. It is upon the same Reason that *St. Paul*, writing to the *Romans*, declares in favour of the Powers that were; a form of Speech not unlike ours, *of the King for the time being*, whom he calls the Ordinance of God, and he requires all Men to be subject to them. We know very well what was the true Ancient Government among the *Romans*, and that not only the Rights of the People and Senate were as fully secured, as any thing could possibly be in any humane Constitution, but that by the *Valerian Law* it was Lawful for any private Person to kill any Magistrate that should go about to invade the Liberties of the People; and that the Crime for which *Catiline's* Memory is held in Detestation, proving more successful in the hands of *Julius Cesar* and *Augustus*, they became the Usurpers of the Liberties of their Country; and though something like a consent was obtain'd from the Senate and People, yet it is evident that this was extorted from them by force; we also see from all that remains of *Tiberius's* Reign in *Tacitus*, that the Design which he constantly pursued, was to overthrow all that was left of their Freedom; and to rob the People of such of their Liberties as remain'd yet in their hands; so that it was a constant Progress of Usurpation



and Tyranny; and this was yet more barefac'd and blacker under *Caligula*; yet when *St. Paul* writ to the Christians of *Rome*, he is express in this; That they should not trouble themselves with Inquiries into Titles, but should take things as they found them, and consider the State of the Empire under which they lived, as such an effect of the Providence of God, that they ought to be subject to it, and not resist it: But this related only to the Christians, who were neither concern'd in the Authority of the People, nor in the Jurisdiction of the Senate; So that unless we will think that the Holy Ghost approv'd of the blackest and cruelest Usurpation that ever was, we must conclude, that it is the will of God, that all privat persons ought to be subject to that authority, which is in possession, and that prevails in the places and times in which they live.

8. It is clear from the whole History of the Church, That the Primitive Christians understood this to be the Doctrine of Christ: for notwithstanding all the revolutions of the Empire, that were often Sealed with the Blood of the Dethroned Emperour, they adhered still to the Possession. And since we see by *Tertullian's Apologetick*, as well as from several other indications, that many of them were in the Army, they certainly swore the Military Oath to every one that prevailed, and were never once so much as reduced to any straits, much less put to trouble for their adhering to the Dethroned Emperour, or for their refusing to acknowledge the new one. This appeared eminently in the Case of *Maximus* who had murdered *Gratian*, and usurped his share of the Empire; And yet all the Bishops of the West, not excepting the Great *St. Martin*, who was called the *Apostle of France*, made their Applications to him, and followed his Court, as much, if not more, than they did any Prince's of that Age: nor is there one single instance, that I could ever yet hear of, in any part or age of the Christian Church, where the Clergy refused to acknowledge him that was their *King in Fact*; or to give him all those Securities of their Allegiance and fidelity to him, which were required of them.

9. It appears in another instance which is indeed foreign to this matter, That our Saviour judg'd that the minds of the people ought not to be distracted with enquiring into Titles, but that they ought to acquiesce in the possession, even when the Title was visibly and unexceptionably bad. In the Jewish Religion as the High-Priest was the first of all the Sacred Tribe, so the greatest piece of their Religion, which was the Annual Expiation, was to be perform'd by him, and by their Law it was provided that the High-Priest's eldest Son should be anointed to serve before the Lord in his Father's stead, unless he had any of those Blemishes in his Body that rendred him unfit for it. So that the high Priesthood went by inheritance, and their *Genealogies* were so carefully preserved, that it was not possible for them to be mistaken in him that of right ought to have been their High-Priest; yet in our Saviour's time this sacred office was set to sale by the *Romans*, so that *Cajaphas* had both purchased it with his Money, and had also thrust out him to whom it belonged by the Law of God. Here were all the Nullities that could almost be in a Title: Yet our Saviour owned this Mercenary High-Priest, he joyned in all the parts of the Temple-service; and since he *fulfilled all Righteousness*, no doubt he obeyed that Law, of going thither on the day of the general Atonement for the sins of the whole people, though he had no need of it in his own particular: he also acknowledged the High-Priest's authority, by answering to him when he was brought before him, and adjured by him to speak the truth. *St. Paul* not only did the same, but when he had been guilty of an indecency to *Ananias*, not knowing him to be the High-Priest, he made an apology for it; in which as he pleads his ignorance, so he plainly acknowledges the respect that was due to him. This is yet carried further by *St. John*, who says that *Cajaphas*



*phas* as High-Priest for that year, prophesied. All this shews, that even when rules were given by God himself, and were notoriously and infamously broken in the offices of the highest nature; yet the peace and quiet of Mankind were to be preferred to all positive Laws, and that all persons were directed by an infallible authority; to acknowledge those who were in possession.

10. But now I will advance the state of the Question a little further, beyond that of a bare possession, into that of a Title declared by those who only can be supposed to be the proper Judges of it: and in order to the opening this, it ought to be considered, That there is this difference between all speculative points of opinion, and all questions that relate to matters of Fact; that in the former every Man must still think according to the Sense, that he himself has, and must not subdue his understanding to any authority whatsoever, nor yield to any pretended infallibility, but in matters of Fact; if a Man belongs to any body that makes any Decision relating to them, he must agree to it, and acquiesce in it, though he thinks it wrong. A Member of any Court of Justice in which an unjust Decree is past, though he is bound to oppose it, while it is in agitation; yet when it is past, he himself not only acquiesces in it, but must afterwards issue out such Orders as are consequent to that Decree, as readily as if he himself had concurred in the making of it. That this is a certain truth there needs no other proof but this, That it is simply and indispensibly necessary to the preserving the Peace of Mankind, and to the keeping of all Societies in Union and Order; and every Maxim that is of such absolute necessity to Mankind, must be true. Now, with relation to the subject now under consideration, there are two Questions which may be made: The First is, a point of speculation, how far subjects are bound to obey, or submit to the Supreme Power, and whether they may resist them in any case; and more particularly, if that may be done on the account of Religion. And as to this there is no Debate at present, so that all men may retain their former Opinions. But the second relates to the History and Policy of *England*, whether the King derives his Power from God, and so is accountable only to him; or if he holds it by an Original Contract with his People, so that upon his breaking it, they likewise may be acquitted from all Obligations to him. This depends on our Laws, Records and Histories, and the resolution of it, can only be taken from them; so these being all matters of Fact, whatsoever Decision was made by those who are the only competent Judges, it must oblige all persons, not excepting even those who being of that Body opposed it while it was a making: and therefore all *English* Men are bound to act according to that Judgment, and by consequence to swear that they will do it. And therefore no privat Person ought to let his particular Notions of our Government determine him, but is bound to resign them up to the Decision that has been so publicly made in it. Here it were an easie thing to urge all those Topicks which have been made use of with relation to the Dissenters, who in the Matters of Government have set up their own doubts and scruples in opposition to Laws and established Rules. But this Argument might seem invidious; and therefore I will not insist upon it.

11. But I will in the last place, carry this matter further to justify the present Settlement, as a thing right and lawful in it self: and in order to the stating this aright, this must be acknowledged, That there are few of those, who some seem now to be in doubt concerning this matter, who did not think that the King, when he was Prince of *Orange*, had a just cause of War, when he first undertook this business; for even at common Law, an Heir in Remainder has just cause to sue him that is in possession, if he makes waste on the Inheritance



heritance which is his in Reversion. It is much more reasonable, since the thing is much more important, That the Heir of a Crown should interpose when he sees him that is in Possession hurried on blindfold to subject an independent Kingdom to a Foreign Jurisdiction, and thereby to rob it both of its Glory, and of its Security. And when it is manifest that this must occasion the greatest Ruine and Miseries possible to that Kingdom: and when a pretended Heir was set up in such a manner that the whole Kingdom believed him spurious. In such a Case it cannot be denied, even according to the highest principles of Passive Obedience, That another Sovereign Prince might make War on a King so abusing his power; and that this was the Case in Fact, will not be called in question by any Protestant. So then here was a War begun upon just and lawful grounds, and a War being so begun, it is the uncontroverted opinion of all Lawyers, *That the success of a just War gives a lawful Title to that which is acquired in the Progress of it.* Therefore King James having so far sunk in the War, that he both abandoned his People, and deserted the Government, all his Right and Title did accrue to the King, in the right of a Conquest over him; so that if he had then assumed the Crown, the opinion of all Lawyers must have been on his side: But he chose rather to leave the Matter to the Determination of the Peers and People of England, chosen and assembled together with all possible freedom, who did upon that declare him King; so that with relation to King James's Rights, he was vested with them by the Successes of a Just War, and yet he was willing, with relation to the People, to receive the Crown by their Declaration, rather than to hold it in the Right of his Sword: And indeed which way soever that King James's Deserting the Government is turned, this Argument has much weight; For if he was forced to it, then here was a Conquest; and if it was voluntary, it was a wilful Desertion: the Great Seal's being cast into the Thames, is an unaccountable part of it, and seems to imply this at least, That either he did not think of returning again, or that if he should return, that he would no more Govern by the shew of Law, of which the Great Seal seems always to carry some Prints.

So that, in a word, the People of England being left without a Government, and in the Hands of one that could and might have assumed it, and that stood so near the immediate Succession to the Crown, were reduced to the necessity, either of continuing in a State of Anarchy; for a Regency for Life, which was offered by those who except to the Oaths, though it was a real divesting of King James of our Allegiance, and the translating it to another; is no better in the construction of the Law, it having no legal Security in it to conduct the Government, or so much as to indemnify those that should act under it; or of returning back to that Misery which they had so much dreaded but a few Months before, or of settling themselves upon such a legal Foundation as might secure the Peace and Quiet of the Nation; and in all Extremities relating to the Government, that is always best which is safest; and every Resolution, which is necessary to the Peace and Happiness of the Nation, is upon that very Account Just and Good, because it is necessary.

And now I have gone over this Argument, in all the Branches and different Views in which it may be set, and have laid before you the Reasons that make me conclude, that the Settlement now made, was founded upon good Grounds, and that tho the Grounds were doubtful, yet that all the Subjects ought to be determined by the Decision made by the Representative of the Kingdom: And beyond all this, that even a Possession, without so great a Support, ought to quiet all Mens Minds, at least so far, that they ought to submit and swear to it without any Scruple.

It remains that I should say somewhat in Answer to these Objections that may



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may arise against all this, the chief of which are taken from those Oaths and Engagements by which you were bound to King James and his Heirs: And from this, that Allegiance seems to be a personal Tie which binds you to him during Life, and after his Death passes to his Heirs; but if it is certain that Allegiance is a Tie to a Prince, in consideration of the Protection which he gives, then, when he can no more protect those who owed him Allegiance, they can be no longer bound to him, but must give their Allegiance to him that protects them.

The very Term of Allegiance rises out of the Feudal Law, by which the chief Lord of a Fee, when he made any Grants to his Vassals, took them bound in consideration of these Grants to adhere to him, to defend his Person, and to assist him in his Wars; but all this being done by the Vassals in consideration of the Fee that was granted, an Original Contract is plainly implied in it; so that if the Lord of the Fee should go to take away the Fee it self, or to change the Nature of the Subjection, in which the Vassals were put by the first Grant, then the Oath, which was grounded on it, could not be supposed to bind them any longer.

Nor can any Man be bound to a Man's Heir before he himself is Dead; so that the Tie arising from the word *Heir* can signifie nothing, till the Inheritance is opened by Death; and in that Case we must return to this, that Allegiance and Protection being reciprocal, there can be no Allegiance due, where there can be no Protection given. In short, the declaring of this Government, and the degrees of the Submission which the Subjects owe our Prince, and of the Person to whom their Allegiance is due, can only be made by the Peers and People of *England*: and when that is done, you must rest there, and give your selves no further trouble, otherways you take to your selves an Authority of judging in a Matter relating to your Government, after those who are the only competent Judges have decided it.

This being then the true State of the Question, it is now reduced to this, that since there is on the one side, such clear and apparent Reasons leading us to obey, and that on the other side there is nothing but an Opinion, that some Men whose Studies have never led them to examine, either the Nature of Civil Societies in General, according to the Roman Law, or the Nature of the English Government from the Laws and History of *England*, with that care that was Necessary, have taken up that there is an uncontrollable and Supreme Power lodged with our Kings by a Divine Deputation, which exempts them from being called to an Account, or resisted by their People, let their Violations of the Law be never so many or so eminent; When, I say, these two things are weighed the one against the other, it seems very plain that the former must far down-weigh the other.

I will not here enter into this Argument, that must carry me very far if I should once undertake it; I have done it upon another Occasion, and I will only add one thing in this Paper; That the Original Articles of the *Magna Charta* granted by King John, is now in my Hands, with his Great Seal to it; which has been ever since that Time esteemed the Measure of the English Government; and by it, it is expressly provided;

*That in case the King should violate any Part of it, and should refuse to rectify what he had done amiss, it should be lawful for the Barons, and the whole People of England, to distress him by all the Ways they could think on; such as, the seizing on his Castles, Lands, and Possessions, provision being only made for the Safety of the Persons of the King and Queen, and of their Children.*

And the Subjects are not only warranted, but required to enter into Associations and Oaths for that Effect. This is an Evidence, that by the Antient



Constitution of England, there was no such irresistible Authority in our Kings, as some have been inclin'd to imagine.

But after all, if there be any who are so possess'd with their preconceived Opinions, that they either cannot lay them down, or will not confess that they have been mistaken in their Notions of Politicks, these ought to be very sure that they are in the Right, before they will adventure, as far as in them lies, to undermine and shake the present Constitution.

To conclude ; I hope you will examine this whole Matter with the Care and Attention that it deserves ; that you will weigh the Reasons of both Sides, without partiality ; that you will Fast and Pray, in order to the preparing your Minds for the finding out of the Truth ; and that you will hearken to all that can be said of both hands, being neither byass'd to the Affirmative by your present Interests, nor inclined to the Negative as the received Opinion, neither affecting Singularity, nor throwing your selves into the Croud ; but that you will seek to hear Reason, and examine what is most agreeable to the Scriptures, and be determined by it. This is the daily and most earnest Prayer of

Reverend and dear Brethren,

May the 15th.

Your most Affectionate Brother,  
and most Humble Servant,

GIL. SARUM.

Edinburgh, Re-printed in the Year 1689.

*Let this passport be burnt by the Common hangman  
by order of the house of Commons at London in the  
month of January A.D. 1693. In respect of some  
things contained therein prejudicial both to the  
rights and liberties of the subjects and the*

*I will not here enter into this argument, that must carry me very far. I  
should once understand it; I have none it upon another Occasion, and I will  
only add one thing to it. I have seen the Original Article of the Magna  
Charta granted by King John, is now in my hands, which I have read to it;  
which has been over and over again the Measure of the English Co-  
venants; and now it is equally provided;*

*That in case the King should violate any Part of it, and should refuse to redress  
what he had done amiss, it should be lawful for the Barons, and the whole People of  
England, to elect a new King, and to give him such Laws as they should think fit, and the King  
in his Office, should be bound to observe them, and to keep them, and to defend them, and to  
the Person of the King and Queen, and of their Children.*

*And the Subjects were not to be troubled, but were to be secured in their Ancient  
Liberties and Offices, and in their Estates. This is an Evidence, that by the Ancient  
Con-*